

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JESSICA DEMESA,

Plaintiff(s),

v.

TREASURE ISLAND, LLC,

Defendant(s).

Case No. 2:18-cv-02007-JAD-NJK

Order

Pending before the Court is the parties' joint status report with a proposed schedule. Docket No. 75. The Court hereby **ORDERS** that Plaintiff must file a second amended complaint by October 1, 2021, and that Defendant must file a response to that second amended complaint by October 29, 2021.¹

In addition, the Court notes that the parties' proposed schedule does not contemplate a need to engage in discovery. While the Court approved a stipulation to stay discovery nearly three years ago, Docket No. 32, it is not clear that such a stay should endure at this juncture based on (1) the arguments that Defendant intends to raise to challenge the second amended complaint, which may differ from those raised previously,² or (2) the current age of the case.³ No later than November 23, 2021, either a joint proposed discovery plan or a request to continue the stay of discovery must

¹ To the extent the parties seek an extended briefing schedule on any motion to dismiss that is filed, such a request must be made through a separate filing. *See, e.g.*, Local Rule IC 2-2(b).

² It is well-settled that the mere pendency of a potentially dispositive motion is not grounds, standing alone, to stay discovery. *E.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Among other aspects of the governing standard, the Court must take a preliminary peek at the arguments raised in the underlying dispositive motion practice. *E.g., Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 583 (D. Nev. 2013).

³ The Court is guided by the desire to best effectuate the just, *speedy*, and inexpensive resolution of cases. *Kor Media Group*, 294 F.R.D. at 581.

1 be filed. To the extent a request to continue the stay of discovery is filed, it must include
2 meaningful discussion as to how the governing standards are met regardless of whether the request
3 is made by stipulation. *See Kor Media Group*, 294 F.R.D. at 581.

4 IT IS SO ORDERED.

5 Dated: September 22, 2021

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9 Nancy J. Koppe
10 United States Magistrate Judge
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